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Andrew Dorisio
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In re Application of Christopher Nolan
Application Number 09/684,032
Filed: October 6, 2000
For: LINER FOR CONTAINER WITH SIDE DOOR

: Petition Under 1.144 To Consider The
: Restriction Requirement
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This is in response to applicant's Petition 37 CFR 1.144 filed on September 20, 2004 to reconsider the restriction requirement of September 10, 2004.


The petition is **GRANTED**.

Applicant requested reconsideration of the withdrawal of claims 12, 14, 15, and 18-20 by original presentation because the examiner failed to show a separate classification and or a serious burden.

A review of the application shows that claims 1-11 to a liner were filed originally. These claims had no detail to the way that the liner was erected. An action rejecting these claims was mailed on June 16, 2004. Claims 12-20 were added by amendment on September 20, 2004. Claim 12, 14, 15, and 18-20 included detail to how the liner was erected and that the liner was free standing. Since a generic claim had been examined, the examiner should have provided a restriction on the new claims showing that the claims were separate and distinct or had separate classification and not just withdrawn the claims.

The application has been returned to the examiner for consideration of the claims and whether there is an undue burden to examine all the claims and if a restriction showing distinction or separate classification is appropriate.

Inquiries related to this decision may be directed to Supervisory Patent Examiner, Eileen D. Lillis at (703) 308-3248.


Robert Oberholzer
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ed/kjd